THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11664 of 1998

ORAL ORDER:

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This writ petition is filed seeking a Mandamus declaring the action of the respondents in not promoting the petitioner as Assistant Executive Officer on the ground of pendency of disciplinary proceedings as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondent to promote the petitioner as Assistant Executive Officer with effect from 10.1.1997.

It appears, petitioner was initially appointed as Lower Division Clerk in the Respondent-Devasthanam and subsequently he was promoted as Upper Division Clerk and further promoted as Superintendent with effect from 28.8.1988 and later he was transferred to Sri Venkatshwara Canteen in the year 1984. According to the petitioner, he had clean record of service. However, during the 'Eye Camp' held in the year 1994, he purchased Gas articles i.e. burners, pipes and burners petles as per the instructions of his superior authorities. The mechanic fixed the above articles to the stoves and after completion of the eye camp, the said articles were handed over to the Catering Supervisor. It is the duty of the Catering Supervisor to enter the stocks in the stock register, but he failed to enter the same in the stock register. When the Bills were forwarded to the Audit Officer, the Audit Officer did not sanction the bill as the articles were not entered in the stock register. Therefore, petitioner was issued with a charge memo dated 6.1.1997 and thereafter an enquiry officer was appointed to enquire into the matter. Ultimately, during the pendency of enquiry, many of the juniors to the petitioner were promoted as Assistant Executive Officers ignoring the case of the petitioner. The grievance of the petitioner is that neither the enquiry was completed nor his case was considered for promotion.

This Court by an order dated 10.8.1998 in W.P.M.P.No.14095 of 1998 directed the respondents to consider the case of the petitioner for promotion to the post of Assistant Executive Officer, according to law, if he is otherwise

eligible. What happened thereafter, there is no information available. However, the respondent filed a detailed counter denying the allegations made by the petitioner and stated that the representation filed by the petitioner on 24.10.1997 was subsequent to the departmental promotion committee held on 29.3.1997, in which the persons from serial Nos.1 to 7 were included in the fit list and promoted as Assistant Executive Officers and the persons from serial Nos.8 to 10 were included in the fit list of the departmental promotion committee in its meeting held on 28.3.1998 for promotion and they were promoted. The petitioner admittedly was facing departmental proceedings and as the allegations made against him are grave in nature, his promotion was kept in abeyance. The cases of others were considered in preference to him after careful consideration of the rules and service record. The petitioner's case was not considered in view of pendency of disciplinary proceedings against him.

In view of the above, I am of the opinion that nothing survives in this writ petition for adjudication at this length of time. Further, the petitioner was aged 56 years at the time of filing the writ petition and now he would have already been retired from service.

For all the reasons, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 11.4.2007

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11.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11664 of 1998

Date: 11th April, 2007

Between:

C.Venkata Raju

.. Petitioner

And

University of Hyderabad, rep. by its
Registrar, Gachibowli, Hyderabad & others.

.. Respondents